

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED  
AUG 29 2013  
PUBLIC SERVICE  
COMMISSION

In the Matter of:

THE APPLICATION FOR A GENERAL )  
ADJUSTMENT OF ELECTRIC RATES ) CASE NO. 2013-00197  
OF KENTUCKY POWER COMPANY )

**Kentucky Power Company's Response To "Attorney General's Motion  
To Hold Case In Abeyance Or Alternatively,  
For Expansion Of Time To File Preliminary Requests For Information"**

Kentucky Power Company states for its response to the Attorney General's motion to hold this case in abeyance, or in the alternative, for an enlargement of time to file its data requests:

Motion To Hold Case In Abeyance

The Company objects to the Attorney General's motion to hold this case in abeyance. An abeyance is unnecessary and will unfairly prejudice the Company and other parties by compressing an already demanding procedural schedule.

The Commission entered its Order establishing the procedural schedule in this case on July 30, 2013. The Attorney General waited almost month, until the day after the first round of data requests to the Company were due, to seek the requested abeyance. The motion does not identify any intervening event necessitating the abeyance, explain his delay in making the motion, or otherwise offer "good cause" for holding this case in abeyance.<sup>1</sup>

The Attorney General's motion ignores the statutory deadlines imposed by Chapter 278. KRS 278.190(2) provides that the Company may place the full amount of the requested rates into

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<sup>1</sup> Order, *In the Matter of: Application Of Kentucky Power Company For A General Adjustment Of Electric Rates*, Case No. 2013-00197 at ¶8 (Ky. P.S.C. July 30, 2013) ("Motions for extension of time with respect to the schedule herein shall be made in writing and will be granted only upon a showing of good cause.")

effect, subject to refund, if the Commission fails to issue an order at the end of the five-month suspension period. Further, KRS 278.190(3) permits the Company to place the requested rates in effect without refund if the Commission fails to act within ten months of the Company's filing. Although the Company has requested an order approving the July 2, 2013 Stipulation and Settlement Agreement among Kentucky Power, Sierra Club, and Kentucky Industrial Utility Customers, Inc. in Case No. 2012-00578 by August 30, 2013, there is no statutory deadline for Commission action on the Company's application in that case and the order may not be issued for several weeks past the requested date.

In the past, the Commission and the parties have worked to ensure an order may be entered prior to the expiration of the five-month suspension period. The July 30, 2013 procedural schedule is ambitious, and the open-ended abeyance requested by the Attorney General will only unnecessarily impose further burdens on the Commission and the parties while threatening the Commission's ability to issue an order within the five month suspension period.

The requested relief also appears partially moot with respect to the Commission Staff, the intervenors, and Kentucky Power. Both Staff and KIUC filed their first round of data requests on August 26, 2013 as required by the existing procedural schedule. The Company has begun work on answering those requests and, given the two weeks it has to prepare and file responses, will continue to work on the responses until the Commission rules on the Attorney General's motion. Thus, holding the case in abeyance will not allow Commission Staff, the intervenors, or Kentucky Power to avoid the effort and cost required with respect to the first round of data requests. In addition, because the time for the Attorney General to file his first round of data requests passed without the Attorney General filing data requests, holding the case in abeyance pending a decision in Case No. 2012-00578 will not restore that ability to the Attorney General.

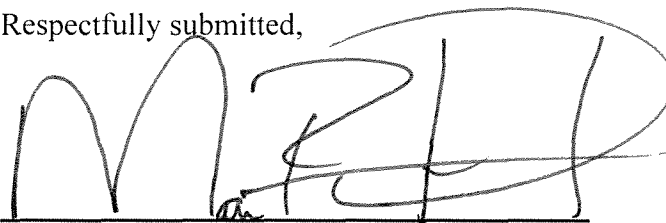
Finally, the next deadline for the Staff and intervenors is September 25, 2013, when the second round of data requests must be filed. Presumably the Commission will have ruled on the Company's application in Case No. 2012-00578 by then even if it is unable to meet the August 30, 2013 requested date for a decision.

The Commission should deny the Attorney General's motion for an abeyance. The Attorney General not only has failed to show good cause, the requested abeyance will prejudice the Staff, the other intervenors, and the Company.

Motion For Enlargement Of Time To File Data Requests

The Attorney General requests in the alternative an enlargement of time to September 4, 2013 in which to file its first set of data requests. The Company's responses to the Attorney General's data requests would be due September 18, 2013. Kentucky Power does not object to requested enlargement for Attorney General's first set of data requests and the Company's response so long as the existing schedule is not otherwise modified.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. Overstreet', is written over a horizontal line.

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COUNSEL FOR KENTUCKY POWER  
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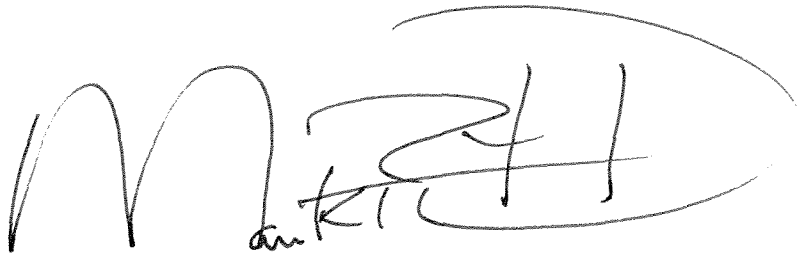
**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing was served by first class mail, postage prepaid, upon:

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on this the 29<sup>th</sup> day of August, 2013.

A handwritten signature in black ink, appearing to read 'Mark R. Overstreet', is written over a horizontal line. The signature is stylized and somewhat cursive.

Mark R. Overstreet